Remarks

The referenced patent application has been reviewed in light of the referenced Office Action.

In the Specification, the paragraph at page 7, line 20 has been amended to correct a minor editing error.

In the Claims, claims 1-7 and 9-19 are now pending in the referenced application. Claim 8 has been withdrawn. Please cancel claim 8, without prejudice. Claims 6, 7, and 9 have been amended to clarify Applicant's claimed invention.

In the Drawings, Fig. 2 has been amended to clarify a minor editing error.

The drawings in the application are objected to by the Office Action. The issue raised in the objection is resolved in the drawings as currently amended.

The disclosure is objected to for informality. The issue raised in the objection is resolved in the disclosure as currently amended.

Of the pending claims, Claims 1-7 and 9-19 are rejected by the Office Action as unpatentable. Claims 1, 4, 6, 10, 13, 15 and 18 are rejected by the Office Action under 35 U.S.C. § 102(e) as being anticipated by United States Patent 6,138,171 (Walker). Claims 2, 3, 11, 12, 16 and 17 are rejected by the Office Action under 35 U.S.C. § 103(a) as unpatentable due to obviousness over Walker in view of United States Patent 6,167,404 (Morcos et al.) and United States Patent 5,517,432 (Chandra et al.). Claims 5, 7, 9, 14 and 19 are rejected by the Office Action under 35 U.S.C. § 103(a) as unpatentable due to obviousness over Walker in view of Morcos et al. Reconsideration of the rejection of the pending claims in view of the following remarks is respectfully requested.

Claim 1 recites in part the element of the state machine creating state objects and a transition map according to the plurality of states and events identified to the state machine. According to the Office Action, all elements of claim 1, including the recited element, are anticipated by Walker under 35 U.S.C. § 102(e). The Office Action refers specifically to col. 3, lines 10-16 of Walker.

In order to support a § 102(e) rejection on the basis of anticipation, generally, each and every element as set forth in the claim must be found, either expressly or inherently described, in a prior art reference. However, Walker nowhere teaches or suggests a state machine creating state objects and a transition map according to [a] plurality of states and events identified to the state machine, as recited in Applicant's claim 1. Neither the specific reference to col. 3, lines 16-10, nor anything else in Walker suggests this element of the claim. Walker allegedly discloses a method to program a "generic software state machine." The cited text in col. 3 of Walker describes a "generic software state machine" as allegedly including a set of state and event objects; but nowhere does Walker disclose a state machine *creating* state objects and a transition map according to [a] plurality of states and events (emphasis added) identified to the state machine as in Applicant's claim. While Walker may describe an object factory class at col. 8, lines 35-50, the description of the factory class neither teaches nor suggests a state machine *creating* state objects and a transition map, but rather merely describes a non-specific set of factory objects allegedly to create instances of particular classes of objects, without restriction.

Applicant therefore respectfully asserts that in contradiction to the Office Action, the recited element of Applicant's claim 1 is neither expressly nor inherently described in Walker, and so claim 1 is not anticipated by Walker under 35 U.S.C. § 102(e). By the same argument, claims 10 and 15, each of which are rejected by the Office Action on the same basis, are also not

anticipated by Walker under 35 U.S.C. § 102(e). Therefore claims 1, 10 and 15 are not anticipated by Walker under 35 U.S.C. § 102(e) and should be allowed.

The Action rejects Applicant's claim 2, which depends on claim 1, under 35 U.S.C. § 103(a) as unpatentable due to obviousness over Walker in view of Morcos et al. and Chandra et al. To support a rejection under 35 U.S.C. § 103(a), it must be shown that each element of claim 2 is taught or suggested by the cited references when considered in combination, or be obvious to one of ordinary skill in the art. The Office Action relies on the previously considered rejection of claim 1 to argue that the elements of claim 2 inherited from claim 1 are disclosed by Walker. As argued above, because claim 1 contains at least one limitation that is neither expressly nor inherently disclosed by Walker, the same element in claim 2, which depends on claim 1, cannot be disclosed by Walker. Furthermore, the element of claim 1 discussed above is neither disclosed nor suggested by Morcos et al. or Chandra et al. Thus the rejection of claim 2 under 35 U.S.C. § 103(a) as unpatentable due to obviousness over Walker in view of Morcos et al. and Chandra et al. cannot stand. By the same argument, claims 11 and 16, which are rejected by the Office Action on the same basis, are not rendered obvious by Walker in view of Morcos et al. and Chandra et al. under 35 U.S.C. § 103(a). By the same argument, all claims dependent on claims 2, 11, and 16, viz. claims 3-5, 12-14, and 17-19, which contain the same element as each of the elements 1, 10 and 15 respectively, are not rendered obvious by Walker in view of Morcos et al. and Chandra et al. Therefore claims 2-5, 11-14 and 16-19 are not unpatentable due to obviousness over Walker in view of Morcos et al. and Chandra et al. under 35 U.S.C. § 103(a) and should be allowed.

Claim 6 as amended recites in pertinent part, <u>configuring the base state machine class to cooperate with a state factory class to create state objects according to the extended state class</u>.

According to the Office Action, the original version of claim 6 is anticipated by Walker under 35 U.S.C. § 102(e). The Office Action further asserts that Walker discloses a "state factory for creating instances of state objects including extended state objects" at col. 8, lines 35-50, in reference to the recited element of the new version of claim 6 in rejecting (now withdrawn) claim 8, which also contains the recited element.

In order to support a § 102(e) rejection on the basis of anticipation, generally, each and every element as set forth in the claim must be found, either expressly or inherently described, in a prior art reference. However, while Walker may describe an *object* factory class at col. 8, lines 35-50, nowhere does either the description of the factory class or any other text in Walker teach or suggest configuring the base state machine class to cooperate with a state factory class to *create state objects* according to the extended state class (emphasis added), an element of applicant's claim 6 as currently amended.

Applicant therefore respectfully asserts that in contradiction to the Office Action, the recited element of Applicant's claim 6 as currently amended is neither expressly nor inherently described in Walker, and so claim 6 is not anticipated by Walker under 35 U.S.C. § 102(e).

The Action rejects Applicant's claim 7, which depends on claim 6, under 35 U.S.C. § 103(a) as unpatentable due to obviousness over Walker in view of Morcos et al. To support a rejection under 35 U.S.C. § 103(a), it must be shown that each element of claim 7 is taught or suggested by the cited references when considered in combination, or be obvious to one of ordinary skill in the art. The Office Action relies on the previously considered rejection of claim 6 to argue that the elements of claim 7 inherited from claim 6 are disclosed by Walker. Claim 6 contains at least one limitation that is neither expressly nor inherently disclosed by Walker, as argued above. The same element in claim 7, which depends on claim 6, therefore cannot be

disclosed by Walker. Furthermore, the element of claim 6 discussed above is neither disclosed nor suggested by Morcos et al. Thus the rejection of claim 7 under 35 U.S.C. § 103(a) as unpatentable due to obviousness over Walker in view of Morcos et al. cannot stand. By the same argument, claim 9, which is rejected by the Office Action on the same basis, is not rendered obvious by Walker in view of Morcos et al. under 35 U.S.C. § 103(a). Thus claims 6, 7 and 9 are not rendered obvious by Walker in view of Morcos et al. under 35 U.S.C. § 103(a) and should be allowed.

Applicant has argued above that claims 1, 10 and 15 are not anticipated by Walker under 35 U.S.C. § 102(e); that claims 2-5, 11-14 and 16-19 are not rendered obvious by Walker in view of Morcos et al. and Chandra et al. under 35 U.S.C. § 103(a); and that claims 6, 7 and 9 as amended are not rendered obvious by Walker in view of Morcos et al. under 35 U.S.C. § 103(a). Therefore all claims pending in the application, claims 1-7 and 9-19, should be allowed.

The Examiner is welcome to contact the Attorney of Record, Gregory D. Caldwell (Reg. No. 39,926) at 503 684 6200 to discuss any matters with the case. The Commissioner is hereby authorized to charge any fees in connection with this communication to our Deposit Account No. 02-2666.

Respectfully submitted,

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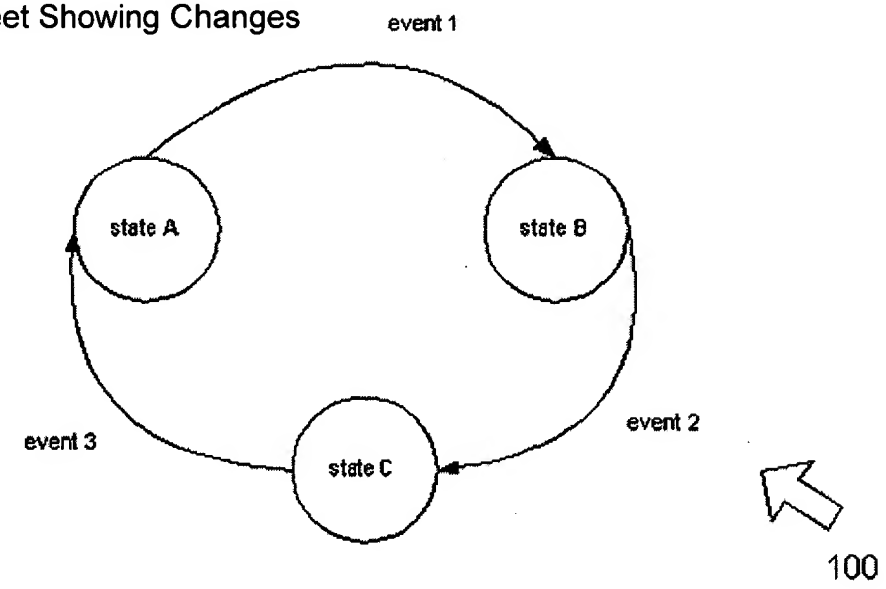

FIG. 1

Inserted
***', class3:stateC'** here*

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200     StateMachineWithPlugins sm1;
204     sm1.initialize_machine("class1:stateA, class2:state B;
                stateA+event1=stateB, stateB+event2=stateC,
                stateC+event3=stateA");
206     sm1.add_plugins("pluginClass1, pluginClass2");
208     StateMachineWithPlugins *sm2 = sm1.clone();
```

200

FIG. 2